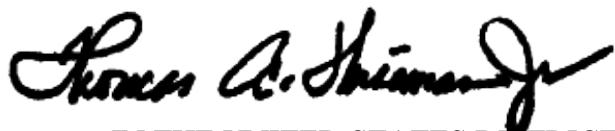


GRANTED.



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DAVID L. MCINTIRE,)	
)	
Plaintiff,)	
)	
v.)	Civil No.: 3:09-0804
)	JUDGE WISEMAN
)	MAGISTRATE JUDGE KNOWLES
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	
)	
Defendant.)	
)	

DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

COMES NOW the Defendant, by and through the undersigned counsel and pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, and hereby requests that the Plaintiff's complaint be dismissed for failure to state a claim upon which relief can be granted and on the basis that this Court lacks subject matter jurisdiction of this action.

As further grounds in support of this Motion, the Court's attention is respectfully directed to the Defendant's Memorandum In Support of Defendant's Motion to Dismiss Plaintiff's Complaint, filed contemporaneously herewith.